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SUBJECT: ANSAR AL-ISLAM MEMBERS CONVICTED BY BAVARIAN COURT

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REF: Munich 218

SUMMARY

¶1. (SBU) The Bavarian Supreme Court sentenced Ansar al-Islam member Farhad Kanabi Ahmad to five years and six months in prison on July 9 following the sentencing of Dieman Abdulkadir Izzat to three years and three months in prison on June 25. Prosecutors had asked for sentences of six years for Ahmad, and four years and nine months for Izzat. The presiding judge found the men guilty of membership in a foreign terrorist organization, violation of Germany's foreign trade law, and in the case of Izzat, fraud. An official of the Bavarian Interior Ministry told ConGen Munich these cases demonstrated the need to closely monitor Islamic extremists. End summary.

"TERRORISTS ALWAYS NEED MONEY FOR THEIR KILLING"

¶2. (U) Iraqi Farhad Kanabi Ahmad a.k.a. "Kawa Hamawadi" (from Munich) was sentenced to five years and six months in prison by the Bavarian Supreme Court on July 9. Iraqi Dieman Abdulkadir Izzat (from Nuremberg) was sentenced to three years and three months in prison by the same judge in a parallel trial on June 25. Presiding judge Bernd von Heintschel-Heinegg found both guilty of membership in the foreign terrorist organization "Ansar al-Islam" and violation of Germany's foreign trade law. Federal prosecutors had asked for sentences of six years for Ahmad, and four years and nine months for Izzat [Note: the maximum sentence under German law for membership in a foreign terrorist organization is 10 years].

¶3. (U) While the judge found both Ahmad and Izzat guilty of having collected money in Germany for Ansar al-Islam, he could not find evidence for all counts cited in the indictments. Apart from supporting a foreign terrorist organization, the judge found that the transfer of money to Iraq also constituted a violation of the foreign trade law, as the EU embargo on Iraq at the time prohibited financial transfers. Additionally, Izzat was found guilty of fraud, having received payments from the Nuremberg welfare office amounting to 45,000 Euros, which he also transferred to Iraq.

¶4. (U) The judge based his sentences on a number of intercepted telephone conversations and e-mails. A fellow prisoner testified that Izzat had divided people into good and evil -- those who were followers of Islam and others who were "devils." The police also found videos with killing scenes that the prosecutor characterized as "extremely cruel." At the beginning of the trial, Izzat was also

alleged to have preached hatred and called for suicide bombings, a charge that was later dropped due to lack of evidence.

15. (U) The trials fell under the August 2002 federal legislation criminalizing membership in a foreign terrorist organization, which was introduced following September 11, 2001. In January 2006, a Bavarian court sentenced Lokman Amin Mohammed to seven years in prison -- the first conviction in Germany under the new law. In sentencing Ahmad on July 9, the judge criticized the conduct of two separate but related Ansar al-Islam trials in Bavaria and Baden Wurttemberg (currently underway), as a waste of legal resources, when they could have potentially been combined. The judge added that he would suggest the following headline for his verdicts: "Terrorists rarely ever kill for money, but they always need money for their killing."

FREEDOM FIGHTERS?

16. (U) The lawyers of the two Iraqis had pleaded for their acquittal, defending them as "freedom fighters" against the U.S. occupation in Iraq, and questioning the credibility of witnesses and evidence -- mainly intercepted phone conversations, SMS' and e-mails. They also rejected terror videos as "mere propaganda" that had nothing to do with the individual actions of the defendants. The judge, however, expressed the conviction that both men approved of terror acts. He said his sentences were for clear criminal activity, not to punish "resistance fighters" or followers of a foreign religion. It was absurd, he said, to make brutal decapitations, suicide attacks and the killing of innocent women and children a human rights issue.

"A REAL BAD GUY"

MUNICH 00000409 002 OF 002

17. (SBU) A Bavarian Interior Ministry contact told ConGen Munich that Izzat was a "real bad guy," and lamented that the court had not been able to pass a longer sentence. He added that in Islamic circles in Nuremberg, Izzat had the reputation of being a key adviser on religious issues, which clearly demonstrated why it was so important for the Interior Ministry to closely monitor potential extremists. It was difficult for the Office for the Protection of the Constitution (OPC) to penetrate religious services in DITIB (Turkish Islamic Union for Religious Affairs) mosques, he said, adding that it was practically impossible to convince peaceful Muslims of the need to inform the police about suspicious action. Home-grown terrorism was becoming an increasingly worrisome problem in Germany, he added, as evidenced by the recent arrest of four Europe-bound men with German passports in Pakistan suspected of links with al-Qaeda.

COMMENT

18. (SBU) While these trials fell under the jurisdiction of federal prosecutors, the case against both defendants was built by Bavarian authorities using the tools they created to combat Islamic extremism (REFTEL). The comments from the Bavarian Interior Ministry underscore Bavarian law enforcement's view that not only is their aggressive approach the right one, but if anything, needs enhancing. With law-and-order Interior Minister Beckstein all but certain to ascend to the Bavarian Minister-Presidency this fall, we expect this view will carry the day.

19. (U) This report was coordinated with Embassy Berlin.

110. (U) Previous reporting from Munich is available on our SIPRNET website at www.state.gov/p/eur/munich/ .

NELSON